

## REMARKS

Favorable consideration and allowance are respectfully requested for claims 31-34, 36-38, 40-55, and 57-61 in view of the following remarks.

### **35 U.S.C. § 103 Rejections**

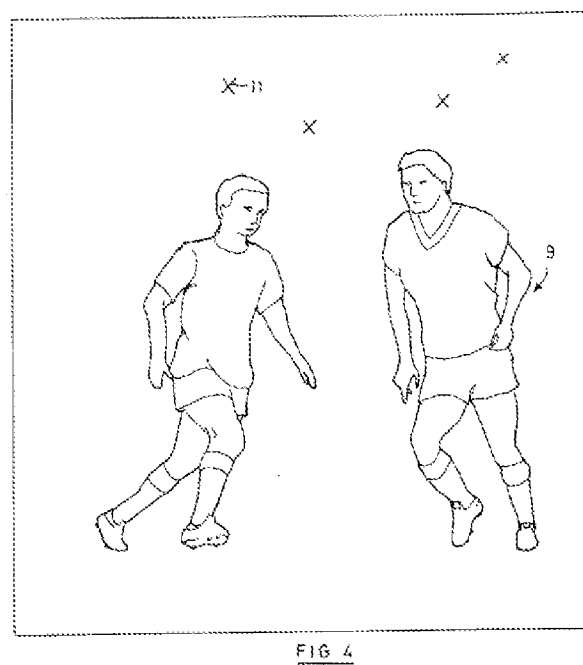
The rejection of claims 31-34, 36-38, 40-55, and 57-61 under 35 U.S.C. §103(a) over the proposed combination of UK Patent Application No. GB 2,231,189 to Healy, et al. ("Healy") and U.S. Patent No. 5,823,879 to Goldberg, et al. ("Goldberg") is respectfully traversed.

Independent claim 31 recites a method including, among other features:

- providing a set of coordinates associated with the game image, and
- receiving a location in the set of coordinates.

Neither of the cited references teaches or suggests a method that makes use of a set of coordinates.

The Office Action cites Healy, Figures 3-5, pages 1-2 and page 6, paragraph 3 and Figure 4 as relevant to the feature of a set of coordinates. Neither the figures nor the cited portions of the Healy specification make any mention of a set of coordinates. Representative Figure 4 is reproduced below:



Rather than showing a set of coordinates, the cited Figures merely show an image of two soccer players 9. Figure 3 adds a marker 10 that identifies the location indicated by the pointing device. By pressing a button, the player selects the space where the marker 10 is located and an "X" is provided on the screen. The specification defines the "X" as an indicium. Figure 4 shows a screen after several such indicium 11 have been provided, each indicium appearing as an "X." Figure 5 shows the indicium, as well as a circle 12 "indicating the position occupied by the ball", see the third paragraph on page 6.

Nothing in the text on pages 1, 2, or 6, or for that matter, the rest of the Healy reference, makes any mention of the claimed set of "coordinates." Similarly, the Goldberg reference, offered as teaching security features, does not mention a set of coordinates. The word "coordinates" simply does not appear in either Healy or Goldberg.

Further, the suggestion in the Office Action that Healy discloses an X and Y grid is improper. The only reference to an "X" that Healy provides are the Xs that serve as indicium. This use of X as a marker is entirely different from an X coordinate. Healy makes no reference to "Y", much less any reference to an X and Y grid.

Claim 31 further recites:

**displaying an image of the missing object** at a current location on the game image pointed to by a pointing device.

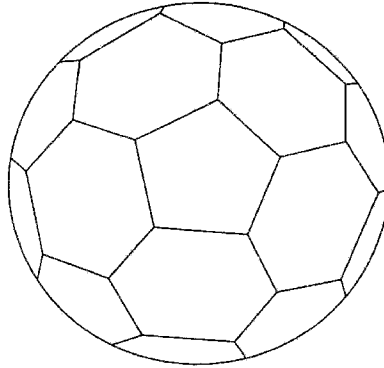
Similarly, independent claim 53 recites:

the game participant client **configured to cause an image of the missing object to be displayed** on the game image in the location currently indicated by the pointing device.

Claim 31 includes the feature that the player can use a pointing device to point to a location. At that location, the game actually **displays the missing object**.

In contrast, Healy does not display the missing object. Instead, Healy describes a game involving a missing soccer ball (Healy calls the ball a football). To show the location of the pointing device, Healy displays a marker 10. Although the marker is a small circle, the marker is certainly not a soccer ball. For instance, the marker 10 is a mere fraction of the size of a regulation soccer ball if it were drawn to scale in the Figures. Further, the marker 10 is a simple

circle, whereas an image intending to show a soccer ball would normally show the various panels of the soccer ball, such as the soccer ball depicted in Figure 1 of U.S. Patent Publication No. 2007/0004542 (see below).



The most compelling evidence that the marker 10 is not a ball is that Healy expressly affirms that the ball **is not shown**, stating “[t]he image depicted does not include a ball”, see the fourth full paragraph on page 5, describing Healy’s Figure 3, which includes the small circular marker 10.

Thus, Healy directly refutes the conclusion reflected in the recent Office Action, that:

The applicant argues on page 3, that neither Healy, nor Goldberg et al. teach all of the claimed limitation, specifically, "displaying an image of the missing object at a current location on the game image pointed to by a pointing device", the examiner respectfully disagrees. Healy, in figure 3, element 10 discloses the actual display of the missing object at its current location, on the display device.

Claim 31 further recites: **receiving a location** in the set of coordinates **that corresponds to the current location on the game image of the image of the missing object** when the player's guess is indicated by the player. Because the references do not disclose any set of coordinates, the references cannot disclose “receiving a location in the set of coordinates.”

Again, because Healy does not teach or suggest that the image of the missing object would ever be presented on the display, Healy necessarily cannot teach receiving a location corresponding to the location of the **image of the missing object**.

The secondary reference, Goldberg, does not teach any of these features that are

described above and missing from the primary reference, Healy.

The proposed combination of references does not describe: (i) a set of coordinates or (ii) displaying an image of the missing object, as featured in the claims. As such, the proposed combination of references does not teach or suggest each and every feature of the claimed invention and reconsideration and withdrawal of this rejection are respectfully requested.

The following dependent claims are allowable for at least the additional reasons explained below.

Dependent claim 36 recites that the coordinates are a grid that corresponds to the pixel field of the game image. As discussed above, the references do not teach the use of coordinates. Further, the references do not teach that the coordinates are a grid corresponding to the pixel field of the game image.

Claim 37 depends from claim 36 recites adjusting the likelihood of a player winning the game by changing the fineness of the pixel field. The references do not teach such a feature. Despite pointing out this deficiency in the prior Office Action, the more recent Office Action still does not offer any discussion of the features recited in claim 37. The present record lacks any indication of why the features of claim 37 are believed to be unpatentable over the cited art.

Claims 41 and 52 recite displaying an image of the missing object. As discussed above, the cited references do not contemplate any display of the missing object.

Claim 44 recites adjusting the likelihood of the game being won by altering the predetermined distance. The cited references provide no indication to adjust a predetermined distance. The Office Action states that a game programmer would “be able to manipulate the processor [to control] the distance to increase or decrease the number of winners.” For purposes of determining obviousness, Applicants again point out that it is irrelevant whether or not a game programmer *would be able to* program a processor to perform the claimed feature. Instead, the relevant question is whether or not the cited references teach the claim feature. In the present instance, the answer to that question is no, as evidenced by the Office Action’s reliance on what a programmer *would be able to* do. The cited references provide no teaching of the feature of claim 44.

Claim 45 recites adjusting the likelihood of the game being won by altering the fineness of the coordinate grid for the game image. As discussed above, the references do not teach a coordinate grid. Further, the references do not teach altering the fineness of the coordinate grid.

The Office Action is silent as to how the references teach the features of this claim.

Dependent claims 46-50 and 57-60 are all directed to features of a multi-player game. The Office Action suggests that Figures 3-5 of Healy are relevant. However, Healy does not teach anything other than a single player game. While Healy does contemplate a single player making multiple guesses, at no point does Healy suggest that multiple players might play the same game.

Dependent claim 61 is similar to dependent claim 36 discussed above and contemplates using a grid reference corresponding to the pixel field of the game image. As discussed above, the references do not teach using a grid corresponding to the pixel field of the game image.

Accordingly, the cited references fail to teach or suggest each and every element of the pending claims and reconsideration and withdrawal of the rejection of these claims are respectfully requested. For various reasons, including reading the references for more than they fairly teach and for not fairly addressing various features of the claims, the Office Action has not made out a *prima facie* showing of obviousness.

Applicant : Barry Charles KILBY et al.  
Serial No. : 10/692,052  
Filed : October 22, 2003

Attorney Docket No.: 21204.0217C1

### **CONCLUSION**

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Although this paper is believed to be timely filed, if necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 50-3211, referencing Attorney Docket No. 21204.0217C1.

Respectfully submitted,

Date: November 23, 2010

/Christopher T. McWhinney/

Christopher T. McWhinney

Reg. No. 42,875

**Customer No. 44966**

**SULLIVAN & WORCESTER LLP**

Telephone: (202) 775-1200

Facsimile: (202) 293-2275